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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/558,923	04/26/2000	John Albert Kembel	IMS 05-04	1656
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JAS IP CONSULTING 309 2nd STREET SUITE 8 LOS ALTOS, CA 94022			EXAMINER NGUYEN, CHAU T	
			ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/558,923

Applicant(s)

KEMBEL ET AL.

Examiner

CHAU NGUYEN

Art Unit

2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 51-56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 51-56 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date: _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Applicant's amendment received on 04/10/2008 has been entered. Claims 51-56 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 51-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barnett et al. (Barnett), US Patent No. 6,369,840 and further in view of Dang, US Patent Application Publication No. US 2002/0089536.

4. As to independent claim 51, Barnett discloses in a sever system, a method of providing Internet content to a user of a computing device, comprising:

receiving a request from a computing device (Figure 4 and page 8, line 60 – col. 9, line 6: user entering login name and password via HTML page for retrieving user-specific information);

in response to the request, retrieving information comprising (col. 9, lines 2-5: in response to the user entering the information, system 100 retrieves centrally stored

user-specific information from database, including user preferences and personalized calendar information):

instructions usable by the computing device to present a frame, with associated controls, specifically designed to display certain Internet content independent of a web browser program (Figures 5-6, and col. 9, lines 10-59: the user-specific information presenting a frame shown in figure 5, the frame includes navigation bar ("my calendar", "event directory", "what's new") and buttons 503, 504, which are considered as controls, and the navigation bar provides links (Internet content) to other pages in the system 100. In addition, Barnett discloses the user interacts with system 100 can either use a browser application or without use of a browser (col. 7, lines 25-30));

instructions usable by the computing device to present said certain Internet content independent of a web browser program (Figures 5-6, and col. 9, lines 10-59: the user-specific information presenting a frame shown in figure 5, the frame includes navigation bar ("my calendar", "event directory", "what's new") and buttons 503, 504, which are considered as controls, and the navigation bar provides links (Internet content) to other pages in the system 100. In addition, Barnett discloses the user interacts with system 100 can either use a browser application or without use of a browser (col. 7, lines 25-30)); and

an address from which said certain web content can be retrieved (col. 9, lines 21-27: navigation bar provides links to other pages in the system); and

transmitting the information to the computing device (Figures 5-6 and col. 9, lines 15: the user-specific information is transmitted and displayed to the user.

Barnett suggests that the user interacts with system 100 can either use a browser application or without use of a browser (col. 7, lines 25-30) and this would suggest that the user interacts with the system can display Internet content independent of a web browser program.

To support the examiner's interpretation, Dang describes that Java applications (standalone applications) that don't need a browser to run (page 1, paragraph [0004]) Dang further describes the use of Java application to create web pages and other web-based application, and the java is used because of its platform independence (page 1, paragraph [0016]). Dang further describes Java application provides popup window and frame that appear outside the constraints of the normal browser, and the window and frame can display Internet content (page 2, paragraphs [0030], [0040]).

Thus, both Barnett and Dang references provide a sufficient suggestion to those skilled in the art to modify the Barnett system to include display Internet content independent of a web browser program. The motivation for using popup window and frame is to allow more than one window or frame to be open at any given time.

5. As to dependent claim 52, Barnett discloses wherein at least a portion of the information further comprises instructions for invoking a first process, resident on said computing device when invoked, the results of which being capable of display within the frame (Figure 5 shows that when the user click "event directory" from the navigation bar, the results of which being capable of display within the frame shown in Figure 6).

6. As to dependent claim 53, Barnett discloses wherein at least a portion of the information defines a functionality and an appearance of the frame within which said certain web content may be presented (Figure 5 and col. 9, lines 10-15: a screen shot of a What's New page 306 show a personalized welcome greeting is displayed, and the information displayed in What's New page is taken from the user's individual records in the database, the user's individual records displays a functionality and an appearance of user's specific information).

7. As to dependent claim 54, Barnett discloses wherein the frame is one of a family of such frames, the family having certain common features and certain unique features, and the information further comprises those features unique to the frame (Figure 5 and col. 9, lines 2-47: the information (frame) displayed in What's New page is taken from the user's individual records, thus each individual record show different information (frame), each individual record having common features such as navigation bar and a personalized welcome greeting, and certain unique features such as my calendar).

8. As to dependent claim 55, Barnett discloses wherein the information further comprises instructions for creating an instance of the common features within and associated with the frame (col. 11, lines 28-35: the user can add individual events to his or her personal calendar).

9. As to dependent claim 56, Barnett discloses wherein each member of the family of such frames has associated therewith certain functionality, and wherein the information further comprises instructions usable by the computing device to invoke a second process capable of coordinating the functionality of the frames (Figures 5-14 show that the user can click on any event on the navigation bar to invoke different process according to the user's selection, and each process capable of displaying the functionality of the frames).

Response to Arguments

In the remarks, Applicant argued in substance that

A) "There is no mention in Barnett of any mechanism for the retrieval of instructions for presenting Internet content in a frame specifically designed to present that content independent of a web browser." (See page 5 of Remarks)

In reply to argument A, Barnett discloses in Figures 5-6, and col. 9, lines 10-59: the user-specific information presenting a frame shown in figure 5, the frame includes navigation bar ("my calendar", "event directory", "what's new") and buttons 503, 504, which are considered as controls, and the navigation bar provides links (Internet content) to other pages in the system 100. In addition, Barnett discloses the user interacts with system 100 can either use a browser application or without use of a browser (col. 7, lines 25-30). Barnett suggests that the user interacts with system 100 can either use a browser application or without use of a browser (col. 7, lines 25-30)

and this would suggest that the user interacts with the system can display Internet content independent of a web browser program.

B) "While the cited sections of Barnett, col. 9, lines 10-59, and Fig. 5, appear to teach obtaining data from an application server and displaying that data on a client device, there is no mention in Barnett that the data so obtained is "Internet content"." (See page 5 of Remarks)

In reply to argument B, one of ordinary skill in the art would have acknowledged that Internet content can be anything such as text, pictures/images, software programs, links, hyperlinks, etc... Therefore the text and links in Figures 5-6 are considered as Internet content.

C) "As used in the specification of present application "Internet content" means content typically viewed by way of a web browser application, such as HTML, dHTML, flash, streaming media, or Java. See, e.g., page 43, lines 7-29, page 49, lines 13-14, etc." (See page 5 of Remarks)

In reply to argument C, applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "Internet content" means content typically viewed by way of a web browser application, such as HTML, dHTML, flash, streaming media, or Java) are not recited in the rejected claim(s). Although the claims are interpreted in light of the

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specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

D) Dang fails to teach instructions for presenting Internet content in a frame specifically designed to present that content independent of a web browser. (See page 5 of Remarks)

In reply to argument D, Dang describes that Java applications (standalone applications) that don't need a browser to run (page 1, paragraph [0004]) Dang further describes the use of Java application to create web pages and other web-based application, and the java is used because of its platform independence (page 1, paragraph [0016]). Dang further describes Java application provides popup window and frame that appear outside the constraints of the normal browser, and the window and frame can display Internet content (page 2, paragraphs [0030], [0040]).

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chau Nguyen whose telephone number is (571) 272-4092. The examiner can normally be reached on 8:30 am – 5:30 pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Hutton, can be reached on (571) 272-4137. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. On July 15, 2005, the Central Facsimile (FAX) Number will change from 703-872-9306 to 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chau Nguyen
Patent Examiner
Art Unit 2176

/Rachna S Desai/
Primary Examiner, Art Unit 2176